

REMARKS / DISCUSSION OF ISSUES

Claims 1-20 are pending in the application; claims 12-20 are newly added.

The applicant thanks the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents, and for acknowledging that the drawings are acceptable.

Claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label numbers, and/or to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in intended scope and no new matter is added.

The Office action rejects claims 1, 6-8, and 10-11 under 35 U.S.C. 112, second paragraph. The applicant respectfully requests the Examiner's reconsideration of this rejection in view of the amendments to these claims.

The Office action rejects claim 11 under 35 U.S.C. 101. The applicant respectfully requests the Examiner's reconsideration of this rejection in view of the amendment to this claim.

The Office action rejects claims 1-12 under 35 U.S.C. 102(e) over Jagadish et al. (USP 7,010,522, hereinafter Jagadish). The applicant respectfully traverses this rejection.

The Office action apparently afforded no consideration to limitations that were included in the preamble to independent claims 1 and 12, and has not identified where Jagadish provides these limitations.

As noted above, the claims have been amended to replace European-style claim phraseology with American-style claim language; these amendments include placing the limitations that had been in the preamble into the body of independent claims 1 and 12. Claim 11 has been rewritten in independent form, with these limitations included in the body of the claim.

Jagadish fails to teach decomposing a query string that corresponds to an encoding of an audio fragment into a sequence of a plurality of query sub-strings and independently searching a melody database for at least a respective closest match for each sub-string, as specifically claimed in each independent claim 1, 11, and 12.

Jagadish teaches a search technique that addresses text searches. Jagadish's "q-grams" are text strings that are compared based on an "edit distance" that corresponds to the number of character insertions, deletions, or modifications needed to change one text string to another (Jagadish, column 4, lines 40-52). Jagadish does not address query strings that correspond to an encoding of an audio fragment, and does not address searching a melody database for matches to sub-strings of these encodings of audio fragments.

Because Jagadish fails to teach the elements of each of the applicant's independent claims as amended, the applicant respectfully requests the Examiner's reconsideration of the rejection of claims 1-12 under 35 U.S.C. 102(e) over Jagadish.

In view of the foregoing, the applicant respectfully requests that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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